



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,801	12/16/2003	Bert Klebl	DEAV2002/0089 US NP	4154
5487	7590	08/12/2008		
ANDREA Q. RYAN				
SANOFI-AVENTIS U.S. LLC				
1041 ROUTE 202-206				
MAIL CODE: D303A				
BRIDGEWATER, NJ 08807				
EXAMINER				
HAMA, JOANNE				
ART UNIT		PAPER NUMBER		
1632				
NOTIFICATION DATE		DELIVERY MODE		
08/12/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPatent.E-Filing@sanofi-aventis.com
andrea.ryan@sanofi-aventis.com

Applicant filed a response to the Final Action of January 4, 2008 on July 7, 2008.

3a. Amendments

Applicant has amended claims 1 and 18 in the amendment filed July 7, 2008. The amendment will not be entered because the newly added phrase, requires that the yeast to be obtained have a detectable phenotype. This requires a new search and consideration. As such, the claims will not be entered and response to Applicant's rebuttals, will be answered as they apply to the claims filed October 3, 2007.

It is noted that the newly added phrase will raise issues of 112, 2nd paragraph because the first half of claim 1, step a, is to cause a genetic modification to yeast, wherein the phenotype is not detectable; however, the newly added phrase indicates that the phenotype is detectable.

Claims 2-4, 8, 11, 12, 16, 19, 22 are cancelled.

Claims 1, 5-7, 9, 10, 13-15, 17, 18, 20, 21, 23 are under consideration.

11. Request for Reconsideration/Other

Claim Objection

Applicant's arguments filed July 7, 2008 have been fully considered but they are not persuasive. Applicant indicates that in the instant amendment, claim 23 is cancelled. In response, the instant claim set has not been entered. As such, the objection as it applies to claim 23 remains.

35 USC § 112, 2nd parag.

Applicant's arguments filed July 7, 2008 have been fully considered but they are not persuasive. Applicant indicates that claim 23 has been cancelled without prejudice. In response, the rejection to claim 23 remains because the instant claims have not been entered (Applicant's response, page 9). Applicant has indicated that claims 1 and 18 have been amended to address that the phenotype of the genetically modified yeast is perceptible from the outside (Applicant's response, page 9). In response, the claims have not been entered and thus, the rejection as it applies to this issue remains.

35 USC § 102

Applicant's arguments filed July 7, 2008 have been fully considered but they are not persuasive. Applicant indicates that claim 23 has been cancelled (Applicant's response, page 11). In response, the instant claims have not been entered, and thus, the rejection as it applies to claim 23 remains. With regard to claims 1, 9, 10, 17, 18, 20, 21, 23 being anticipated by Cattopadhyay et al., Applicant indicates that amended claim 1 is not anticipated by the art. In response, Applicant's amended claims have not been entered. As such, the rejection as it applies to this issue remains.

No claims allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Hama, Ph.D. whose telephone number is 571-

272-2911. The examiner can normally be reached Mondays, Tuesdays, Thursdays, and Fridays from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Paras, can be reached on 571-272-4517. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

Application/Control Number: 10/736,801

Page 5

Art Unit: 1632

/Joanne Hama/

Art Unit 1632